

BOARD OF SUPERVISORS
COUNTY OF YORK
YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Board of Supervisors held in York Hall, Yorktown, Virginia, on the ____ day of ____, 2005:

Present

Vote

James S. Burgett, Chairman
Walter C. Zaremba, Vice Chairman
Sheila S. Noll
Kenneth L. Bowman
Thomas G. Shepperd, Jr.

On motion of _____, which carried ____, the following resolution was adopted:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT FOR A
DETACHED ACCESSORY APARTMENT AT 104 NORTH WILL
SCARLET LANE

WHEREAS, James D. and Mia M. Cunningham have submitted Application No. UP-662-05, which requests a Special Use Permit, pursuant to Section 24.1-407(b) of the York County Zoning Ordinance, to authorize an accessory apartment of approximately 515 square feet on the second story of a detached garage to be built in conjunction with an existing single-family detached home on a 0.81-acre parcel of land located at 104 North Will Scarlet Lane (Route 1311) and further identified as Assessor's Parcel No. 7A2-10-EH-9 (GPIN# G15a-2261-4097); and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends approval of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has carefully considered the public comments and Planning Commission recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the ____ day of _____, 2005, that Application No. UP-662-05 be, and it is hereby, approved to authorize a Special Use Permit, pursuant to Section 24.1-407(b) of the York County Zoning Ordinance, to authorize construction of an accessory apartment of approximately 515 square feet on the second story of a detached garage to be built in conjunction with an existing single-family detached home on a 0.81-acre parcel of land located at 104 North Will Scarlet Lane and further identified as Assessor's Parcel No. 7A2-10-EH-9 (GPIN# G15a-2261-4097) subject to the following conditions:

1. This Special Use Permit shall authorize construction of an accessory apartment of approximately 515 square feet on the second story of a detached garage to be built in conjunction with an existing single-family detached home on a 0.81-acre parcel of land located at 104 North Will Scarlet Lane and further identified as Assessor's Parcel No. 7A2-10-EH-9 (GPIN# G15a-2261-4097).
2. Building plans for the garage shall be submitted to and approved by the York County Department of Environmental and Development Services, Division of Building Regulation, prior to the commencement of any construction activities. Said plans shall be in substantial conformance with the plot plan and building elevations submitted by the applicant, copies of which shall remain on file in the Planning Division.
3. Prior to the issuance of a building permit for the garage/apartment, the applicant shall either expand the existing septic system in accordance with the standards of the Virginia Department of Health or record with the Clerk of the Circuit Court a deed restriction on the property limiting the combined occupancy of the principal dwelling unit and the accessory apartment to no more than six (6) individuals.
4. Construction and operation of the accessory apartment shall be in compliance with the performance standards set forth in Section 24.1-407 of the Zoning Ordinance.
5. The height of the garage/apartment shall not exceed 1.25 times the height of the principal dwelling on the property.
6. The minimum front yard building setback requirement for the garage/apartment shall be fifty feet (50').
7. Issuance of this Special Use Permit does not supersede any legally recorded restrictive covenants that may apply to the subject property, nor does it relieve the applicant and/or property owner of any obligation to secure approvals that may be required by a homeowners' association in accordance with said covenants.

8. In accordance with Section 24.1-407(k) of the County Zoning Ordinance, prior to issuance of a building permit for the accessory apartment, the applicant shall be responsible for recording a deed restriction document with the Clerk of the Circuit Court stipulating that the subject accessory apartment will be used, occupied and maintained in accordance with standards and restrictions set forth in Section 24.1-407 of said Ordinance. A Court-certified copy of the document shall be submitted to the County at the time of building permit application.
9. Notwithstanding the customary two-year deadline for establishing special uses set forth in Section 24.1-115(c)(1), failure to establish the accessory apartment within three (3) years of the date of approval shall cause the permit to terminate automatically.
10. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this special use permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.